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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

PIONEER HOTEL, INC., d/b/a PIONEER)
HOTEL AND GAMBLING HALL,)

Defendants)

) Case No.: 2:11-cv-01588-LRH-GWF

) **PLAINTIFF EEOC'S MOTION TO LIFT**
) **STAY AND ~~PROPOSED~~ ORDER**

) The Honorable George W. Foley
) United States Magistrate Judge

TO THE CLERK OF COURT:

PLEASE TAKE NOTICE THAT: Plaintiff Equal Employment Opportunity Commission ("EEOC") moves this Court to lift the stay of these proceedings.

On September 30, 2013, funding for the federal government lapsed. As a result of this lapse in funding, Plaintiff Equal Employment Opportunity Commission ("EEOC") moved the court to stay these proceeding as counsel for the EEOC was prohibited from working on this matter during the federal government shutdown.

1 On October 2, 2013, the Court granted EEOC's Motion For Stay (Docket No. 64).

2 On October 17, 2013, funding for the federal government was restored and Plaintiff
3 EEOC resumed operations. Plaintiff EEOC is unaware of any deadlines that have passed or
4 dates which have been affected by the stay.

5 District courts possess "the inherent procedural power to reconsider, rescind, or modify
6 an interlocutory order" when it finds sufficient cause to do so. *See City of Los Angeles, Harbor*
7 *Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001). "The same court that
8 imposes a stay of litigation has the inherent power and discretion to lift the stay." *Canady v. Erbe*
9 *Elektromedizin GmbH*, 271 F.Supp.2d 64, 74 (D.D.C.2002). "When circumstances have
10 changed such that the court's reasons for imposing the stay no longer exist or are inappropriate,
11 the court may lift the stay." *Id.* Here, the Court granted the stay as counsel for the EEOC was
12 prohibited from working on this matter during the lapse in government funding. As funding has
13 now been restored, Plaintiff EEOC respectfully requests that the Court lift the stay in these
14 proceedings.

15 Dated: October 21, 2013

16 Respectfully submitted,

17 s/ Elizabeth A. Naccarato

18 Elizabeth A. Naccarato

19 U.S. EEOC

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ORDER

IT IS SO ORDERED, this 22nd day of October, 2013.



THE HONORABLE GEORGE W. FOLEY
UNITED STATES MAGISTRATE JUDGE